108TH CONGRESS 1ST SESSION

H. R. 1904

To improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 1, 2003

Mr. McInnis (for himself, Mr. Walden of Oregon, Mr. Pombo, Mr. Good-LATTE, Mr. AKIN, Mr. ALEXANDER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. Beauprez, Mr. Berry, Mr. Bishop of Utah, Mr. Blunt, Mr. Boehner, Mr. Boozman, Mr. Brady of Texas, Mr. Burgess, Mr. CALVERT, Mr. CANNON, Mr. COLE, Mr. CRAMER, Mrs. CUBIN, Mr. Davis of Alabama, Mr. Doolittle, Mr. Dooley of California, Mr. DUNCAN, Mrs. Emerson, Mr. Everett, Mr. Flake, Mr. Gallegly, Mr. Gibbons, Mr. Gilchrest, Mr. Gingrey, Mr. Graves, Mr. Green of Wisconsin, Mr. Gutknecht, Mr. Hastings of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. Kolbe, Mr. Lahood, Mr. Lewis of California, Mr. Linder, Mr. McKeon, Mr. Gary G. Miller of California, Mr. Moran of Kansas, Mrs. Musgrave, Mr. Nethercutt, Mr. Norwood, Mr. Nunes, Mr. OBERSTAR, Mr. OTTER, Mr. OSBORNE, Mr. OSE, Mr. PEARCE, Mr. PE-TERSON of Minnesota, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Radanovich, Mr. Rehberg, Mr. Renzi, Mr. Rogers of Alabama, Mr. Ross, Mr. Ryun of Kansas, Mr. Sandlin, Mr. Sessions, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SIMPSON, Mr. SMITH of Michigan, Mr. Souder, Mr. Stenholm, Mr. Stupak, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Terry, Mr. Thomas, Mr. Thomp-SON of Mississippi, Mr. Thornberry, Mr. Tiahrt, Mr. Turner of Texas, Mr. Tauzin, Mr. Vitter, Mr. Wicker, Mrs. Wilson of New Mexico, Mr. Wilson of South Carolina, and Mr. Young of Alaska) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

- To improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 SECTION 1. SHORT TITLE: TABLE OF CONTENTS.
 - 4 (a) Short Title.—This Act may be cited as the
 - 5 "Healthy Forests Restoration Act of 2003".
 - 6 (b) Table of Contents.—The table of contents for
- 7 this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

- Sec. 101. Definitions.
- Sec. 102. Authorized hazardous fuels reduction projects.
- Sec. 103. Prioritization for communities and watersheds.
- Sec. 104. Environmental analysis.
- Sec. 105. Special Forest Service administrative review process.
- Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
- Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
- Sec. 108. Rules of construction.

TITLE II—BIOMASS

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.
- Sec. 204. Reporting requirement.

TITLE III—WATERSHED FORESTRY ASSISTANCE

- Sec. 301. Findings and purpose.
- Sec. 302. Establishment of watershed forestry assistance program.

TITLE IV—INSECT INFESTATIONS

- Sec. 401. Definitions, findings, and purpose.
- Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
- Sec. 403. Applied silvicultural assessments.
- Sec. 404. Relation to other laws.
- Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

- Sec. 501. Establishment of healthy forests reserve program.
- Sec. 502. Eligibility and enrollment of lands in program.
- Sec. 503. Conservation plans.
- Sec. 504. Financial assistance.
- Sec. 505. Technical assistance.
- Sec. 506. Safe harbor.
- Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

1 SEC. 2. PURPOSE.

- 2 The purpose of this Act is—
- 3 (1) to reduce the risks of damage to commu-
- 4 nities, municipal water supplies, and some at-risk
- 5 Federal lands from catastrophic wildfires;
- 6 (2) to authorize grant programs to improve the
- 7 commercial value of forest biomass for electric en-
- 8 ergy, useful heat, transportation fuels, petroleum-

1	based product substitutes and other commercial pur-
2	poses;
3	(3) to enhance efforts to protect watersheds and
4	address threats to forest and rangeland health, in-
5	cluding catastrophic wildfire, across the landscape;
6	(4) to promote systematic information gath-
7	ering to address the impact of insect infestations on
8	forest and rangeland health;
9	(5) to improve the capacity to detect insect and
10	disease infestations at an early stage, particularly
11	with respect to hardwood forests; and
12	(6) to protect, restore, and enhance degraded
13	forest ecosystem types in order to promote the recov-
14	ery of threatened and endangered species as well as
15	improve biological diversity and enhance carbon se-
16	questration.
17	TITLE I—HAZARDOUS FUELS RE-
18	DUCTION ON FEDERAL
19	LANDS
20	SEC. 101. DEFINITIONS.
21	In this title:
22	(1) Authorized Hazardous fuels reduc-
23	TION PROJECT.—The term "authorized hazardous
24	fuels reduction project" means a hazardous fuels re-
25	duction project described in subsection (a) of section

- 1 102, subject to the remainder of such section, that 2 is planned and conducted using the process author-3 ized by section 104.
 - (2) CONDITION CLASS 2.—The term "condition class 2", with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (RMRS–87), dated April 2000, under which—
 - (A) fire regimes on the lands have been moderately altered from their historical range;
 - (B) there exists a moderate risk of losing key ecosystem components from fire;
 - (C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and
 - (D) vegetation attributes have been moderately altered from their historical range.
 - (3) CONDITION CLASS 3.—The term "condition class 3", with respect to an area of Federal lands,

1	refers to the condition class description developed by
2	the Rocky Mountain Research Station in the general
3	technical report referred to in paragraph (2), under
4	which—
5	(A) fire regimes on the lands have been
6	significantly altered from their historical range
7	(B) there exists a high risk of losing key
8	ecosystem components from fire;
9	(C) fire frequencies have departed from
10	historical frequencies by multiple return inter-
11	vals, which results in dramatic changes to fire
12	size, frequency, intensity, severity, or landscape
13	patterns; and
14	(D) vegetation attributes have been signifi-
15	cantly altered from their historical range.
16	(4) Day.—The term "day" means a calendar
17	day, except that, if a deadline imposed by this title
18	would expire on a nonbusiness day, the deadline will
19	be extended to the end of the next business day.
20	(5) Decision document.—The term "decision

(5) DECISION DOCUMENT.—The term "decision document" means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

1	(6) FEDERAL LANDS.—The term "Federal
2	lands" means—
3	(A) National Forest System lands; and
4	(B) public lands administered by the Sec-
5	retary of the Interior, acting through the Bu-
6	reau of Land Management.
7	(7) Hazardous fuels reduction
8	PROJECT.—The term "hazardous fuels reduction
9	project" refers to the measures and methods de-
10	scribed in the definition of "appropriate tools" con-
11	tained in the glossary of the Implementation Plan.
12	(8) Implementation plan.—The term "Im-
13	plementation Plan" means the Implementation Plan
14	for the 10-year Comprehensive Strategy for a Col-
15	laborative Approach for Reducing Wildland Fire
16	Risks to Communities and the Environment, dated
17	May 2002, which was developed pursuant to the con-
18	ference report for the Department of the Interior
19	and Related Agencies Appropriations Act, 2001
20	(House Report 106–646).
21	(9) Interface community and intermix
22	COMMUNITY.—The terms "interface community"
23	and "intermix community" have the meanings given
24	those terms on page 753 of volume 66 of the Fed-

eral Register, as published on January 4, 2001.

- 1 (10) MUNICIPAL WATER SUPPLY SYSTEM.—The
 2 term "municipal water supply system" means the
 3 reservoirs, canals, ditches, flumes, laterals, pipes,
 4 pipelines, or other surface facilities and systems con5 structed or installed for the impoundment, storage,
 6 transportation, or distribution of drinking water for
 7 a community.
 - "Secretary concerned" means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the "Secretary concerned", the Secretary of Agriculture", or the "Secretary of the Interior" includes the designee of the Secretary concerned.
 - (12) THREATENED AND ENDANGERED SPECIES HABITAT.—The term "threatened and endangered species habitat" means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

1 SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION

- **PROJECTS.**
- 3 (a) AUTHORIZED PROJECTS.—Subject to the remain-
- 4 der of this section, the Secretary concerned may utilize
- 5 the process authorized by section 104 to plan and conduct
- 6 hazardous fuels reduction projects on any of the following
- 7 Federal lands:

- 8 (1) Federal lands located in an interface com-9 munity or intermix community.
 - (2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.
 - (3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system or a stream feeding a municipal water supply system that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.
 - (4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the exist-

1 ence or threat of disease or insect infestation, pose 2 a significant threat to forest or rangeland health or 3 adjacent private lands. (5) Federal lands not covered by paragraph (1), 5 (2), (3), or (4) that contain threatened and endan-6 gered species habitat, but only if— 7 (A) natural fire regimes on such lands are 8 identified as being important for, or wildfire is 9 identified as a threat to, an endangered species, 10 a threatened species, or its habitat in a species 11 recovery plan prepared under section 4 of the 12 Endangered Species Act of 1973 (16 U.S.C. 13 1533) or in a decision document under such 14 section determining a species to be an endan-15 gered species or a threatened species or desig-16 nating critical habitat; 17 (B) the project will provide enhanced pro-18 tection from catastrophic wildfire for the spe-19 cies or its habitat; and 20 (C) the Secretary complies with any appli-21 cable guidelines specified in the species recovery 22 plan prepared under the Endangered Species 23 Act of 1973 (16 U.S.C. 1531 et seq.). 24 (b) Relation to Agency Plans.—An authorized hazardous fuels reduction project shall be planned and

- 1 conducted in a manner consistent with the land and re-
- 2 source management plan or land use plan applicable to
- 3 the Federal lands covered by the project.
- 4 (c) Acreage Limitation.—Not more than a total
- 5 of 20,000,000 acres of Federal lands may be included in
- 6 authorized hazardous fuels reduction projects.
- 7 (d) Tree Removal Limitation.—The Secretary
- 8 concerned, in the sole discretion of the Secretary con-
- 9 cerned, shall plan and conduct an authorized hazardous
- 10 fuels reduction project so as to maintain species composi-
- 11 tion, size class distribution, and density of trees, including
- 12 old and large trees appropriate for each ecosystem type
- 13 covered by the project, consistent with the purposes of this
- 14 title.
- 15 (e) Exclusion of Certain Federal Lands.—The
- 16 Secretary concerned may not plan or conduct an author-
- 17 ized hazardous fuels reduction project that would occur
- 18 on any of the following Federal lands:
- 19 (1) A component of the National Wilderness
- 20 Preservation System.
- 21 (2) Federal lands where, by Act of Congress or
- 22 Presidential proclamation, the removal of vegetation
- is prohibited or restricted.
- 24 (3) Wilderness Study Areas.

- 1 (f) Protection of Roadless Areas.—The Sec-
- 2 retary of Agriculture shall not construct any new perma-
- 3 nent road in any Inventoried Roadless Area as part of any
- 4 authorized hazardous fuels reduction project.

5 SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATER-

- 6 SHEDS.
- 7 As provided for in the Implementation Plan, the Sec-
- 8 retary concerned shall give priority to authorized haz-
- 9 ardous fuel reduction projects that provide for the protec-
- 10 tion of communities and watersheds.

11 SEC. 104. ENVIRONMENTAL ANALYSIS.

- 12 (a) In General.—Except as otherwise provided in
- 13 this title, the Secretary concerned shall plan and conduct
- 14 authorized hazardous fuels reduction projects in accord-
- 15 ance with the National Environmental Policy Act of 1969
- 16 (42 U.S.C. 4331 et seq.) and any other applicable laws.
- 17 (b) Discretionary Authority to Eliminate Al-
- 18 TERNATIVES.—In the case of an authorized hazardous
- 19 fuels reduction project, the Secretary concerned is not re-
- 20 quired to study, develop, or describe any alternative to the
- 21 proposed agency action in the environmental assessment
- 22 or environmental impact statement prepared for the pro-
- 23 posed agency action pursuant to section 102(2) of the Na-
- 24 tional Environmental Policy Act of 1969 (42 U.S.C.
- **25** 4332(2)).

(c) Public Notice and Meeting.—

- 2 (1) Public Notice.—The Secretary concerned 3 shall provide notice of each authorized hazardous 4 fuels reduction project in accordance with applicable 5 regulations and administrative guidelines.
- 6 (2) Public Meeting.—During the planning 7 stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a 8 9 public meeting at an appropriate location proximate to the administrative unit of the Federal lands in 10 11 which the authorized hazardous fuels reduction 12 project will be conducted. The Secretary concerned 13 shall provide advance notice of the date and time of 14 the meeting.
- 16 meaningful public participation in the identification and 17 development of authorized hazardous fuels reduction 18 projects, the Secretary concerned shall facilitate collabora-19 tion among governments and interested persons during 20 the formulation of each authorized fuels reduction project 21 in a manner consistent with the Implementation Plan.
- (e) Environmental Analysis and Public Com-23 Ment.—In accordance with section 102(2) of the National 24 Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) 25 and the applicable regulations and administrative guide-

- 1 lines in effect on the date of the enactment of this Act,
- 2 the Secretary concerned shall provide an opportunity for
- 3 public input during the preparation of any environmental
- 4 assessment or environmental impact statement for pro-
- 5 posed agency action for an authorized hazardous fuels re-
- 6 duction project.
- 7 (f) Decision Document.—The Secretary concerned
- 8 shall sign a decision document for each authorized haz-
- 9 ardous fuels reduction project and provide notice of the
- 10 decision document.
- 11 (g) PROJECT MONITORING.—As provided for in the
- 12 Implementation Plan, the Secretary concerned shall mon-
- 13 itor the implementation of authorized hazardous fuels re-
- 14 duction projects.
- 15 SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE RE-
- 16 **VIEW PROCESS.**
- 17 (a) Development of Administrative Process.—
- 18 Not later than 90 days after the date of the enactment
- 19 of this Act, the Secretary of Agriculture shall issue final
- 20 regulations to establish an administrative process that will
- 21 serve as the sole means by which a person described in
- 22 subsection (c) can seek administrative redress regarding
- 23 an authorized hazardous fuels reduction project.
- 24 (b) Eligible Persons.—To be eligible to partici-
- 25 pate in the administrative process developed pursuant to

- 1 subsection (a) regarding an authorized hazardous fuels re-
- 2 duction project, a person must have submitted specific and
- 3 substantive written comments during the preparation
- 4 stage of that authorized hazardous fuels reduction project.
- 5 (c) Relation to Appeals Reform Act.—Section
- 6 322 of the Department of the Interior and Related Agen-
- 7 cies Appropriations Act, 1993 (Public Law 102–381; 16
- 8 U.S.C. 1612 note), does not apply to an authorized haz-
- 9 ardous fuels reduction project.
- 10 SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL
- 11 REVIEW OF AUTHORIZED HAZARDOUS FUELS
- 12 **REDUCTION PROJECTS.**
 - (a) FILING DEADLINE.—

- 14 (1) Time limit established for filing.—
- Notwithstanding any other provision of law, to be
- timely, an action in a court of the United States
- challenging an authorized hazardous fuels reduction
- project shall be filed in the court before the end of
- the 15-day period beginning on the date on which
- the Secretary concerned publishes, in the local paper
- of record, notice of the final agency action regarding
- 22 the authorized hazardous fuels reduction project.
- This time limitation supersedes any notice of intent
- 24 to file suit requirement or filing deadline otherwise
- applicable to a challenge under any provision of law.

1 (2) WAIVER PROHIBITED.—The Secretary con-2 cerned may not agree to, and a district court may 3 not grant, a waiver of the requirements of this sub-4 section.

(b) Duration of Preliminary Injunction.—

- (1) Duration; extension.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.
- (2) Submission of information.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.
- (3) Congressional notification.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice

- 1 of the renewal to the Committee on Resources and
- 2 the Committee on Agriculture of the House of Rep-
- 3 resentatives and the Committee on Energy and Nat-
- 4 ural Resources and the Committee on Agriculture,
- 5 Nutrition, and Forestry of the Senate.
- 6 (c) Expeditious Completion of Judicial Re-
- 7 VIEW.—Congress intends and encourages any court in
- 8 which is filed a lawsuit or appeal of a lawsuit concerning
- 9 an authorized hazardous fuels reduction project to expe-
- 10 dite, to the maximum extent practicable, the proceedings
- 11 in such lawsuit or appeal with the goal of rendering a final
- 12 determination on jurisdiction, and if jurisdiction exists, a
- 13 final determination on the merits, within 100 days from
- 14 the date the complaint or appeal is filed.
- 15 SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGEN-
- 16 **CY ACTION TO RESTORE FIRE-ADAPTED FOR-**
- 17 EST OR RANGELAND ECOSYSTEMS.
- 18 If an action brought against the Secretary concerned
- 19 under section 703 of title 5, United States Code, involves
- 20 an agency action on Federal lands in which the Secretary
- 21 concerned found that the agency action is necessary to re-
- 22 store a fire-adapted forest or rangeland ecosystem, includ-
- 23 ing an authorized hazardous fuels reduction project, the
- 24 court reviewing the agency action, in considering a request

- 1 for a prohibitory or mandatory injunction against the
- 2 agency action, shall—
- 3 (1) consider the public interest in avoiding long-
- 4 term harm to the ecosystem; and
- 5 (2) give deference to any agency finding, based
- 6 upon information in the administrative record, that
- 7 the balance of harm and the public interest in avoid-
- 8 ing the short-term effects of the agency action is
- 9 outweighed by the public interest in avoiding long-
- term harm to the ecosystem.

11 SEC. 108. RULES OF CONSTRUCTION.

- 12 (a) Relation to Other Authority.—Nothing in
- 13 this title shall be construed to affect, or otherwise bias,
- 14 the use by the Secretary concerned of other statutory or
- 15 administrative authorities to plan or conduct a hazardous
- 16 fuels reduction project on Federal lands, including Federal
- 17 lands identified in section 102(e), that is not planned or
- 18 conducted using the process authorized by section 104.
- 19 (b) RELATION TO LEGAL ACTION.—Nothing in this
- 20 title shall be construed to prejudice or otherwise affect the
- 21 consideration or disposition of any legal action concerning
- 22 the Roadless Area Conservation Rule, part 294 of title 36,
- 23 Code of Federal Regulations, as amended in the final rule
- 24 and record of decision published in the Federal Register
- 25 on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

\sim				
7	SEC	201	FIND	INGS

- 3 Congress finds the following:
 - (1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.
 - (2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.
 - (3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restora-

tion treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

1	(B) develop and expand markets for tradi-
2	tionally underused wood and biomass as an out-
3	let for by-products of preventive treatment ac-
4	tivities.
5	SEC. 202. DEFINITIONS.
6	In this title:
7	(1) BIOMASS.—The term "biomass" means
8	trees and woody plants, including limbs, tops, nee-
9	dles, and other woody parts, and by-products of pre-
10	ventive treatment, such as wood, brush, thinnings,
11	chips, and slash, that are removed—
12	(A) to reduce hazardous fuels; or
13	(B) to reduce the risk of or to contain dis-
14	ease or insect infestation.
15	(2) Indian tribe.—The term "Indian tribe"
16	has the meaning given the term in section 4(e) of
17	the Indian Self-Determination and Education Assist-
18	ance Act (25 U.S.C. 450b(e)).
19	(3) Person.—The term "person" includes—
20	(A) an individual;
21	(B) a community (as determined by the
22	Secretary concerned);
23	(C) an Indian tribe;

1	(D) a small business, micro-business, or a
2	corporation that is incorporated in the United
3	States; and
4	(E) a nonprofit organization.
5	(4) Preferred community.—The term "pre-
6	ferred community" means—
7	(A) any town, township, municipality, or
8	other similar unit of local government (as deter-
9	mined by the Secretary concerned) that—
10	(i) has a population of not more than
11	50,000 individuals; and
12	(ii) the Secretary concerned, in the
13	sole discretion of the Secretary concerned,
14	determines contains or is located near
15	land, the condition of which is at signifi-
16	cant risk of catastrophic wildfire, disease,
17	or insect infestation or which suffers from
18	disease or insect infestation; or
19	(B) any county that—
20	(i) is not contained within a metro-
21	politan statistical area; and
22	(ii) the Secretary concerned, in the
23	sole discretion of the Secretary concerned,
24	determines contains or is located near
25	land, the condition of which is at signifi-

1	cant risk of catastrophic wildfire, disease,
2	or insect infestation or which suffers from
3	disease or insect infestation.
4	(5) Secretary concerned.—The term "Sec-
5	retary concerned" means—
6	(A) the Secretary of Agriculture with re-
7	spect to National Forest System lands; and
8	(B) the Secretary of the Interior with re-
9	spect to Federal lands under the jurisdiction of
10	the Secretary of the Interior and Indian lands.
11	SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE
12	OF FOREST BIOMASS FOR ELECTRIC ENERGY,
13	USEFUL HEAT, TRANSPORTATION FUELS,
14	AND PETROLEUM-BASED PRODUCT SUB-
15	STITUTES.
16	(a) Biomass Commercial Use Grant Program.—
17	(1) In General.—The Secretary concerned
18	may make grants to any person that owns or oper-
19	ates a facility that uses biomass as a raw material
20	to produce electric energy, sensible heat, transpor-
21	tation fuels, or substitutes for petroleum-based prod-
22	ucts to offset the costs incurred to purchase biomass
23	for use by such facility.

- (2) Grant amounts.—A grant under this subsection may not exceed \$20 per green ton of biomass delivered.
 - (3) Monitoring of grant recipient activities.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(b) Value Added Grant Program.—

- (1) In General.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.
- (2) Selection.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or

1 expansion of small businesses and micro-businesses, 2 and the potential for new job creation. 3 (3) Grant amount.—A grant under this subsection may not exceed \$100,000. 5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section. 8 SEC. 204. REPORTING REQUIREMENT. 9 (a) REPORT REQUIRED.—Not later than October 1, 10 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of 12 the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agri-14 15 culture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized 16 by section 203. 17 18 (b) CONTENTS OF REPORT.—The report shall include 19 the following: 20 (1) An identification of the size, type, and the 21 use of biomass by persons that receive grants under 22 section 203. 23 (2) The distance between the land from which 24 the biomass was removed and the facility that used

the biomass.

1	(3) The economic impacts, particularly new job
2	creation, resulting from the grants to and operation
3	of the eligible operations.
4	TITLE III—WATERSHED
5	FORESTRY ASSISTANCE
6	SEC. 301. FINDINGS AND PURPOSE.
7	(a) Findings.—Congress finds the following:
8	(1) There has been a dramatic shift in public
9	attitudes and perceptions about forest management
10	particularly in the understanding and practice of
11	sustainable forest management.
12	(2) It is commonly recognized that the proper
13	stewardship of forest lands is essential to sustaining
14	and restoring the health of watersheds.
15	(3) Forests can provide essential ecological
16	services in filtering pollutants, buffering important
17	rivers and estuaries, and minimizing flooding, which
18	makes its restoration worthy of special focus.
19	(4) Strengthened education, technical assist-
20	ance, and financial assistance to nonindustrial pri-
21	vate forest landowners and communities, relating to
22	the protection of watershed health, is needed to real-
23	ize the expectations of the general public.

(b) Purpose.—The purpose of this title is to—

- 1 (1) improve landowner and public under-2 standing of the connection between forest manage-3 ment and watershed health;
 - (2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;
 - (3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;
 - (4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;
 - (5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and
 - (6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

28 SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY AS-2 SISTANCE PROGRAM. 3 The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new 4 5 section: 6 "SEC. 6. WATERSHED FORESTRY ASSISTANCE. 7 "(a) General Authority and Purpose.—The Secretary, acting through the Forest Service, may provide 9 technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of ex-10 11 panding State forest stewardship capacities and activities through State forestry best-management practices and 13 other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands. 15 16 "(b) Technical Assistance To Protect Water QUALITY.— 17 18 "(1) In general.—The Secretary, in coopera-19 tion with State foresters or equivalent State officials, 20 shall engage interested members of the public, in-21 cluding nonprofit organizations and local watershed 22 councils, to develop a program of technical assist-23 ance to protect water quality, as described in para-24 graph (2). "(2) Purpose of Program.—The program 25

under this subsection shall be designed—

1	"(A) to build and strengthen watershed
2	partnerships that focus on forested landscapes
3	at the local, State, and regional levels;
4	"(B) to provide State forestry best-man-
5	agement practices and water quality technical
6	assistance directly to nonindustrial private for-
7	est landowners;
8	"(C) to provide technical guidance to land
9	managers and policy makers for water quality
10	protection through forest management;
11	"(D) to complement State and local efforts
12	to protect water quality and provide enhanced
13	opportunities for consultation and cooperation
14	among Federal and State agencies charged with
15	responsibility for water and watershed manage-
16	ment;
17	"(E) to provide enhanced forest resource
18	data and support for improved implementation
19	and monitoring of State forestry best-manage-
20	ment practices.
21	"(3) Implementation.—The program of tech-
22	nical assistance shall be implemented by State for-
23	esters or equivalent State officials.
24	"(c) Watershed Forestry Cost-Share Pro-
25	GRAM.—

"(1) In general.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

- "(2) Watershed forestry projects.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).
- "(3) Project elements and objectives.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—
- 23 "(A) the use of trees as solutions to water 24 quality problems in urban and rural areas;

1	"(B) community-based planning, involve-
2	ment, and action through State, local and non-
3	profit partnerships;
4	"(C) application of and dissemination of
5	monitoring information on forestry best-man-
6	agement practices relating to watershed for-
7	estry;
8	"(D) watershed-scale forest management
9	activities and conservation planning; and
10	"(E) the restoration of wetland (as defined
11	by the States) and stream-side forests and the
12	establishment of riparian vegetative buffers.
13	"(4) Cost-sharing.—Funds provided under
14	this subsection for a watershed forestry project may
15	not exceed 75 percent of the cost of the project.
16	Other Federal funding sources may be used to cover
17	a portion of the remaining project costs, but the
18	total Federal share of the costs may not exceed 90
19	percent. The non-Federal share of the costs of a
20	project may be in the form of cash, services, or other
21	in-kind contributions.
22	"(5) Prioritization.—The State Forest Stew-
23	ardship Coordinating Committee for a State shall
24	prioritize watersheds in that State to target water-
25	shed forestry projects funded under this subsection.

1 "(6) Watershed forester.—Financial and 2 technical assistance shall be made available to the 3 State Forester or equivalent State official to create 4 a State best-management practice forester to lead 5 statewide programs and coordinate small watershed-6 level projects. 7 "(d) Distribution.— 8 "(1) IN GENERAL.—The Secretary shall devote 9 at least 75 percent of the funds appropriated for a 10 fiscal year pursuant to the authorization of appro-11 priations in subsection (e) to the cost-share program 12 under subsection (c) and the remainder to the task 13 of delivering technical assistance, education, and 14 planning on the ground through the State Forester 15 or equivalent State official. "(2) Special considerations.—Distribution 16 17 of these funds by the Secretary among the States 18 shall be made only after giving appropriate consider-19 ation to— 20 "(A) the acres of nonindustrial private 21 forestland and highly erodible land in each 22 State; 23 "(B) each State's efforts to conserve for-24

ests;

1	"(C) the acres of forests in each State that
2	have been lost or degraded or where forests can
3	play a role in restoring watersheds; and
4	"(D) the number of nonindustrial private
5	forest landowners in each State.
6	"(e) AUTHORIZATION OF APPROPRIATIONS.—There
7	is authorized to be appropriated to carry out this section
8	\$15,000,000 for each of the fiscal years 2004 through
9	2008.".
10	TITLE IV—INSECT
11	INFESTATIONS
12	SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.
13	(a) DEFINITIONS.—In this title:
14	(1) APPLIED SILVICULTURAL ASSESSMENT.—
15	The term "applied silvicultural assessment" means
16	any vegetative or other treatment, for the purposes
17	described in section 402, including timber harvest,
18	thinning, prescribed burning, and pruning, as single
19	treatment or any combination of these treatments.
20	(2) FEDERAL LANDS.—The term "Federal
21	lands'' means—
22	(A) National Forest System lands; and
23	(B) public lands administered by the Sec-
24	retary of the Interior, acting through the Bu-
25	reau of Land Management.

1	(3) Secretary Concerned.—The term "Sec-
2	retary concerned" means—
3	(A) the Secretary of Agriculture, acting
4	through the Forest Service, with respect to Na-
5	tional Forest System lands; and
6	(B) the Secretary of the Interior, acting
7	through appropriate offices of the United States
8	Geological Survey, with respect to federally
9	owned land administered by the Secretary of
10	the Interior.
11	(4) 1890 Institutions.—The term "1890 In-
12	stitution" means a college or university eligible to
13	receive funds under the Act of August 30, 1890 (7
14	U.S.C. 321 et seq.), including Tuskegee University.
15	(b) FINDINGS.—Congress finds the following:
16	(1) High levels of tree mortality due to insect
17	infestation result in—
18	(A) increased fire risk;
19	(B) loss of old growth;
20	(C) loss of threatened and endangered spe-
21	cies;
22	(D) loss of species diversity;
23	(E) degraded watershed conditions;

- 1 (F) increased potential for damage from 2 other agents of disturbance, including exotic, 3 invasive species; and
 - (G) decreased timber values.
 - (2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.
 - (3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.
 - (4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

- 1 (5) Epidemic populations of Southern pine bee-2 tle are ravaging forests in Alabama, Arkansas, Flor-3 ida, Georgia, Kentucky, Mississippi, North Carolina, 4 South Carolina, Tennessee, and Virginia. In 2001, 5 Florida and Kentucky experienced 146 percent and 6 111 percent increases, respectively, in beetle popu-7 lations.
 - (6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.
 - (7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.
 - (8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.
 - (9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- 1 (10) Only through the rigorous funding, devel2 opment, and assessment of potential applied silvicul3 tural assessments over specific time frames across
 4 an array of environmental and climatic conditions
 5 can the most innovative and cost effective manage6 ment applications be determined that will help re7 duce the susceptibility of forest ecosystems to attack
 8 by forest pests.
 - (11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

(c) Purpose.—It is the purpose of this title—

- (1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;
- (2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and
- 24 (3) to carry out applied silvicultural assess-25 ments.

1	SEC. 402. ACCELERATED INFORMATION GATHERING RE-
2	GARDING BARK BEETLES, INCLUDING
3	SOUTHERN PINE BEETLES, HEMLOCK WOOL-
4	LY ADELGIDS, EMERALD ASH BORERS, RED
5	OAK BORERS, AND WHITE OAK BORERS.
6	(a) Information Gathering.—The Secretary con-
7	cerned shall establish, acting through the Forest Service
8	and United States Geological Survey, as appropriate, an
9	accelerated program—
10	(1) to plan, conduct, and promote comprehen-
11	sive and systematic information gathering on bark
12	beetles, including Southern pine beetles, hemlock
13	woolly adelgids, emerald ash borers, red oak borers,
14	and white oak borers, including an evaluation of—
15	(A) infestation prevention and control
16	methods;
17	(B) effects of infestations on forest eco-
18	systems;
19	(C) restoration of the forest ecosystem ef-
20	forts;
21	(D) utilization options regarding infested
22	trees; and
23	(E) models to predict the occurrence, dis-
24	tribution, and impact of outbreaks of bark bee-
25	tles, including Southern pine beetles, hemlock

- 1 woolly adelgids, emerald ash borers, red oak 2 borers, and white oak borers;
- 3 (2) to assist land managers in the development of treatments and strategies to improve forest health 5 and reduce the susceptibility of forest ecosystems to 6 severe infestations of bark beetles, including South-7 ern pine beetles, hemlock woolly adelgids, emerald 8 ash borers, red oak borers, and white oak borers on 9 Federal lands and State and private lands; and
- 10 (3) to disseminate the results of such informa-11 tion gathering, treatments, and strategies.
- 12 (b) Cooperation and Assistance.—The Secretary concerned shall establish and carry out the program in co-
- operation with scientists from universities and forestry 14
- schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate univer-
- 17 sities and forestry schools, including Land Grant Colleges
- and Universities and 1890 Institutions, to assist in car-18
- 19 rying out the program.

15

16

SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

- 21 (a) Assessment Efforts.—For information gath-
- 22 ering purposes, the Secretary concerned may conduct ap-
- 23 plied silvicultural assessments on Federal lands that the
- Secretary concerned determines, in the sole discretion of
- the Secretary concerned, is at risk of infestation by, or

1	is infested with, bark beetles, including Southern pine bee-
2	tles, hemlock woolly adelgids, emerald ash borers, red oak
3	borers, and white oak borers. Any applied silvicultural as-
4	sessments carried out under this section shall be con-
5	ducted on not more than 1,000 acres per assessment.
6	(b) Limitations.—
7	(1) Exclusion of Certain Areas.—Sub-
8	section (a) does not apply to—
9	(A) a component of the National Wilder-
10	ness Preservation System;
11	(B) Federal lands where, by Act of Con-
12	gress or Presidential proclamation, the removal
13	of vegetation is restricted or prohibited; or
14	(C) congressionally designated wilderness
15	study areas.
16	(2) CERTAIN TREATMENT PROHIBITED.—Sub-
17	section (a) does not authorize the application of in-
18	secticides in municipal watersheds and associated ri-
19	parian areas.
20	(3) ACREAGE LIMITATION.—Applied silvicul-
21	tural assessments may be implemented on not more
22	than 250,000 acres using the authorities provided by
23	this title.
24	(c) Public Notice and Comment.—

- 1 (1) Public Notice.—The Secretary concerned 2 shall provide notice of each applied silvicultural as-3 sessment proposed to be carried out under this sec-4 tion in accordance with applicable regulations and 5 administrative guidelines.
- 6 (2) Public comment.—During the planning
 7 stage of each applied silvicultural assessment pro8 posed to be carried out under this section, the Sec9 retary concerned shall provide an opportunity for
 10 public input.
- 11 (d) CATEGORICAL EXCLUSION.—Applied silvicultural
- 12 assessments carried out under this section are deemed to
- 13 be categorically excluded from further analysis under the
- 14 National Environmental Policy Act of 1969 (42 U.S.C.
- 15 4321 et seq.). The Secretary concerned need not make any
- 16 findings as to whether the project, either individually or
- 17 cumulatively, has a significant effect on the environment.
- 18 SEC. 404. RELATION TO OTHER LAWS.
- The authorities provided to the Secretary concerned
- 20 by this title are supplemental to their respective authori-
- 21 ties provided in any other law.
- 22 SEC. 405. AUTHORIZATION OF APPROPRIATIONS.
- There is authorized to be appropriated for fiscal years
- 24 2004 through 2008 such sums as may be necessary to
- 25 carry out this title.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

2	RESERVE PROGRAM
3	SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RE-
4	SERVE PROGRAM.
5	(a) Establishment.—The Secretary of Agriculture
6	shall establish the healthy forests reserve program as a
7	program within the Forest Service for the purpose of pro-
8	tecting, restoring, and enhancing degraded forest eco-
9	systems to promote the recovery of threatened and endan-
10	gered species as well as improve biodiversity and enhance
11	carbon sequestration.
12	(b) Cooperation.—The Secretary of Agriculture
13	shall carry out the healthy forests reserve program in co-
14	operation with the Secretary of the Interior, acting
15	through the United States Fish and Wildlife Service.
16	SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN
17	PROGRAM.
18	(a) Eligible Lands.—The Secretary of Agriculture,
19	in consultation with the Secretary of the Interior, shall
20	designate rare forest ecosystems to be eligible for the
21	healthy forests reserve program. The following lands are
22	eligible for enrollment in the healthy forests reserve pro-
23	gram:
24	(1) Private lands whose enrollment will protect,
25	restore, enhance, or otherwise measurably increase

- the likelihood of recovery of an endangered species
 or threatened species in the wild.
- (2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed spe-

cies, rare, peripheral, and special concern species.

- 9 (b) OTHER CONSIDERATIONS.—In enrolling lands
 10 that satisfy the criteria in paragraph (1) or (2) of sub11 section (a), the Secretary of Agriculture shall give addi12 tional consideration to those lands whose enrollment will
 13 also improve biological diversity and increase carbon se14 questration.
- 15 (c) Enrollment by Willing Owners.—The Sec-16 retary of Agriculture shall enroll lands in the healthy for-17 ests reserve program only with the consent of the owner 18 of the lands.
- 19 (d) MAXIMUM ENROLLMENT.—The total number of 20 acres enrolled in the healthy forests reserve program shall 21 not exceed 1,000,000 acres.
- 22 (e) METHODS OF ENROLLMENT.—Lands may be en-23 rolled in the healthy forests reserve program pursuant to 24 a 10-year cost-share agreement, a 30-year easement, or 25 a permanent easement with buyback option. The extent

8

- 1 to which each enrollment method is used shall be based
- 2 on the approximate proportion of owner interest expressed
- 3 in that method in comparison to the other methods.
- 4 (f) Enrollment Priority.—The Secretary of Agri-
- 5 culture shall give priority to the enrollment of lands that,
- 6 in the sole discretion of the Secretary, will provide the best
- 7 opportunity to resolve conflicts between the presence of
- 8 an animal or plant species referred to in paragraph (1)
- 9 or (2) of subsection (a) and otherwise lawful land use ac-
- 10 tivities.

11 SEC. 503. CONSERVATION PLANS.

- 12 (a) PLAN REQUIRED.—Lands enrolled in the healthy
- 13 forests reserve program shall be subject to a conservation
- 14 plan, to be developed jointly by the land owner and the
- 15 United States Fish and Wildlife Service. The conservation
- 16 plan shall include a description of the land-use activities
- 17 that are permissible on the enrolled lands.
- 18 (b) Involvement by Other Agencies and Orga-
- 19 NIZATIONS.—A State fish and wildlife agency, State for-
- 20 estry agency, State environmental quality agency, and
- 21 other State conservation agencies and nonprofit conserva-
- 22 tion organizations may assist in providing technical or fi-
- 23 nancial assistance, or both, for the development and imple-
- 24 mentation of conservation plans.

1	(c) Cost Effectiveness.—The conservation plan
2	shall maximize the environmental benefits per dollar ex-
3	pended.
4	SEC. 504. FINANCIAL ASSISTANCE.
5	(a) Permanent Easement With Buyback Op-
6	TION.—
7	(1) Payment amount.—In the case of land
8	enrolled in the healthy forests reserve program using
9	a permanent easement with a buyback option, the
10	Secretary of Agriculture shall pay the owner of the
11	land an amount equal to—
12	(A) the fair market value of the enrolled
13	land less the fair market value of the land en-
14	cumbered by the easement; plus
15	(B) the actual costs of the approved con-
16	servation practices or the average cost of ap-
17	proved practices, as established by the Sec-
18	retary.
19	(2) Buyback option.—Beginning on the 50th
20	anniversary of the enrollment of the land, and every
21	10th-year thereafter, the owner shall be able to pur-
22	chase the easement back from the United States at
23	a rate equal to the fair market value of the easement
24	plus the costs, adjusted for inflation, of the approved
25	conservation practices.

- 1 (b) 30-Year Easement.—In the case of land en-
- 2 rolled in the healthy forests reserve program using a 30-
- 3 year easement, the Secretary of Agriculture shall pay the
- 4 owner of the land an amount equal to—
- 5 (1) 75 percent of the fair market value of the
- 6 land less the fair market value of the land encum-
- 7 bered by the easement; plus
- 8 (2) 75 percent of the actual costs of the ap-
- 9 proved conservation practices or 75 percent of the
- average cost of approved practices, as established by
- 11 the Secretary.
- 12 (c) 10-YEAR AGREEMENT.—In the case of land en-
- 13 rolled in the healthy forests reserve program using a 10-
- 14 year cost-share agreement, the Secretary of Agriculture
- 15 shall pay the owner of the land an amount equal to—
- 16 (1) 75 percent of the actual costs of the ap-
- 17 proved conservation practices; or
- 18 (2) 75 percent of the average cost of approved
- 19 practices, as established by the Secretary.
- 20 (d) Acceptance of Contributions.—The Sec-
- 21 retary of Agriculture may accept and use contributions of
- 22 non-Federal funds to make payments under this section.
- 23 SEC. 505. TECHNICAL ASSISTANCE.
- The Forest Service and the United States Fish and
- 25 Wildlife Service shall provide landowners with technical

1	assistance to comply with the terms of agreements and
2	easements under the healthy forests reserve program and
3	conservation plans.
4	SEC. 506. SAFE HARBOR.
5	In implementing the healthy forests reserve program,
6	the Secretary of the Interior shall provide safe harbor or
7	similar assurances, through section 7 or other authorities
8	under the Endangered Species Act of 1973 (16 U.S.C.
9	1531 et seq.), consistent with the implementing regula-
10	tions of the United States Fish and Wildlife Service, to
11	landowners who enroll land in the healthy forests reserve
12	program when such enrollment will result in a net con-
13	servation benefit for listed species.
14	SEC. 507. AUTHORIZATION OF APPROPRIATIONS.
15	There are authorized to be appropriated \$15,000,000
16	for each of the fiscal years 2004 through 2008 to carry
17	out this title.
18	TITLE VI—MISCELLANEOUS
19	PROVISIONS
20	SEC. 601. FOREST STANDS INVENTORY AND MONITORING
21	PROGRAM TO IMPROVE DETECTION OF AND
22	RESPONSE TO ENVIRONMENTAL THREATS.
23	(a) In General.—The Secretary of Agriculture shall
24	carry out a comprehensive program to inventory, monitor,

25 characterize, assess, and identify forest stands (with em-

1	phasis on hardwood forest stands) and potential forest
2	stands—
3	(1) in units of the National Forest System
4	(other than those units created from the public do-
5	main); and
6	(2) on private forest land, with the consent of
7	the owner of the land.
8	(b) Issues To Be Addressed.—In carrying out the
9	program, the Secretary shall address issues including—
10	(1) early detection, identification, and assess-
11	ment of environmental threats (including insect, dis-
12	ease, invasive species, fire, and weather-related risks
13	and other episodic events);
14	(2) loss or degradation of forests;
15	(3) degradation of the quality forest stands
16	caused by inadequate forest regeneration practices;
17	(4) quantification of carbon uptake rates; and
18	(5) management practices that focus on pre-
19	venting further forest degradation.
20	(c) Early Warning System.—In carrying out the
21	program, the Secretary shall develop a comprehensive
22	early warning system for potential catastrophic environ-
23	mental threats to forests to increase the likelihood that
24	forest managers will be able to—

1	(1) isolate and treat a threat before the threat
2	gets out of control; and
3	(2) prevent epidemics, such as the American
4	chestnut blight in the first half of the twentieth cen-
5	tury, that could be environmentally and economically
6	devastating to forests.
7	(d) Authorization of Appropriations.—There
8	are authorized to be appropriated to carry out this section
9	\$5,000,000 for each of the fiscal years 2004 through
0	2008.

 \bigcirc